

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BARCLAY

Serial No.: 10/789,635

Filed: February 27, 2004

Atty. File No.: 2997-1-3-2-2

For: "PROCESS FOR THE HETEROTROPHIC  
PRODUCTION OF MICROBIAL PRODUCTS  
WITH HIGH CONCENTRATIONS OF  
OMEGA-3 HIGHLY UNSATURATED  
FATTY ACIDS"

) Group Art Unit: 1651

) Examiner: Ware, D.

TERMINAL DISCLAIMER

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to  
the U.S. Patent and Trademark Office (Fax No. 571-273-8300)  
on 9-16-05.

SHERIDAN ROSS P.C.



Tricia E. Van Hooser

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Angela Dallas Sebor, represent that I am agent for Applicants and am authorized to sign this document on behalf of Martek Biosciences Corporation; that Martek Biosciences Corporation is a corporation fully organized under the laws of the State of Delaware and has a place of business at 6480 Dobbin Road, Columbia, Maryland 21045; and that Martek Biosciences Corporation is the owner by assignment of the entire right, title and interest in and to U.S. Patent Application Serial No. 10/789,635, "PROCESS FOR THE HETEROTROPHIC PRODUCTION OF MICROBIAL PRODUCTS WITH HIGH CONCENTRATIONS OF OMEGA-3 HIGHLY UNSATURATED FATTY ACIDS" filed February 27, 2004, said assignment being recorded in the U.S. Patent Office at Reel/Frame 014373/0607 in both the parent application, U.S. Patent Application Serial No. 10/154,273 and in the grandparent application, U.S. Patent Application Serial No. 09/461,709.

*Application No.: 10/789,635*

I hereby disclaim, on behalf of Martek Biosciences Corporation, the terminal part of any patent granted on U.S. Patent Application Serial No. 10/789,635 which would extend beyond the expiration date of:

a patent granted on U.S. Patent Application Serial No. 10/244,056;  
U.S. Patent No. 6,410,281;  
U.S. Patent No. 6,177,108;  
U.S. Patent No. 6,103,225;  
U.S. Patent No. 6,451,567;  
U.S. Patent No. 5,698,244;  
U.S. Patent No. 6,566,123;  
U.S. Patent No. 5,688,500;  
U.S. Patent No. 5,518,918;  
U.S. Patent No. 5,340,594;  
U.S. Patent No. 5,130,242; or  
U.S. Patent No. 5,340,742.

I further hereby agree on behalf of Martek Biosciences Corporation that any patent granted on U.S. Patent Application Serial No. 10/789,635 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to:

a patent granted on U.S. Patent Application Serial No. 10/244,056;  
U.S. Patent No. 6,410,281;  
U.S. Patent No. 6,177,108;  
U.S. Patent No. 6,103,225;  
U.S. Patent No. 6,451,567;  
U.S. Patent No. 5,698,244;  
U.S. Patent No. 6,566,123;  
U.S. Patent No. 5,688,500;  
U.S. Patent No. 5,518,918;

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U.S. Patent No. 5,340,594;

U.S. Patent No. 5,130,242; or

U.S. Patent No. 5,340,742.

This agreement runs with any patent granted on U.S. Patent Application Serial No. 10/789,635 and is binding upon the grantee of such patent and its successors or assigns.

I do not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 10/789,635 prior to the expiration date of the full statutory term of:

a patent granted on U.S. Patent Application Serial No. 10/244,056;

U.S. Patent No. 6,410,281;

U.S. Patent No. 6,177,108;

U.S. Patent No. 6,103,225;

U.S. Patent No. 6,451,567;

U.S. Patent No. 5,698,244;

U.S. Patent No. 6,566,123;

U.S. Patent No. 5,688,500;

U.S. Patent No. 5,518,918;

U.S. Patent No. 5,340,594;

U.S. Patent No. 5,130,242; or

U.S. Patent No. 5,340,742,

in the event that such patent or patent application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee's knowledge, title is in the assignee.

*Application No.: 10/789,635*

Please debit Deposit Account No. 19-1970 for \$130 for the statutory disclaimer fee as specified under 37 CFR § 1.20(d). Please credit any overpayment or debit any underpayment to Deposit Account No. 19-1970.

Respectfully submitted,

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Date: September 16, 2005